

[Docket No. 5]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

SAIM SARWAR,

Plaintiff,

v.

208 WHP LLC,

Defendant.

Civil No. 20-15762 (RMB/AMD)

**ORDER**

**THIS MATTER** comes before the Court upon Plaintiff Saim Sarwar's response [Docket No. 8] to the Court's December 10, 2020 Order to Show Cause [Docket No. 6]; Plaintiff's Amended Complaint [Docket No. 7]; and Plaintiff's Motion for Default Judgment [Docket No. 5].

Plaintiff's request for entry of default was entered on December 9, 2020. [See Docket.] However, in the interim, Plaintiff filed an Amended Complaint on December 20, 2020. [Docket No. 7.] "The law is well-settled that an amended complaint supersedes the original complaint rendering it of no legal effect." Huertas v. TransUnion, LLC, Civil No. 08-244 (JBS/AMD), 2009 U.S. Dist. LEXIS 140225, at \*4-5 (D.N.J. Nov. 10, 2009) (quoting United States ex rel. SimplexGrinnell, LP v. Aegis Ins. Co., No. Civ. A 1:08-1728, 2009 U.S. Dist. LEXIS

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18707, at \*1 (M.D. Pa. Mar. 5, 2009)). "Therefore, upon the filing of an amended complaint, 'the original complaint no longer performs any function in the case.'" Id. at \*5 (citing SimplexGrinnell, 2009 U.S. Dist. LEXIS 18707, at \*1). Here, the entry of default was filed upon Defendant's failure to respond to the initial Complaint. Given that Plaintiff has since filed an Amended Complaint, the Court concludes that the Clerk's entry of default on the earlier-filed pleading shall be set aside. See id. (collecting cases). Therefore, Plaintiff's Motion for Default Judgment [Docket No. 5] shall be denied as premature.

The Court also notes that Plaintiff's response [Docket No. 8] to the Court's December 10, 2020 Order to Show Cause [Docket No. 6] raises concerns with the Court as to the Rule 11 good faith nature of the allegations in this matter. The Court's concern is further raised by the fact that Plaintiff has subsequently filed and/or amended complaints making similar claims – potentially not in good faith – before other Judges in this District. See Sarwar v. Justin Hospitality Corporation, Case No. 1:21-cv-311-NLH-AMD (case filed December 7, 2021); Sarwar v. Renuka Hospitality LLC, Case No. 1:21-cv-272-NLH-AMD (case filed January 7, 2021); Sarwar v. 395 Washington Ave Assoc, Case No. 2:20-cv-19349-JMV-MF (Amended Complaint filed December 20, 2020); Sarwar v. BRE ESA PROP TX 2516 Suite 100, Case No. 2:20-cv-19346-MCA-MAH (Amended Complaint filed December

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20, 2020); Sarwar v. Aldeb Inc, Case No. 2:20-cv-19343-CCC-MF (Amended Complaint filed December 20, 2020); Sarwar v. Kailas Corp, Case No. 1:20-cv-19015-NLH-JS (Amended Complaint filed December 20, 2020); Sarwar v. KK&T Holdings LLC, Case No. 1:20-cv-19013-NLH-AMD (Amended Complaint filed December 20, 2020); Sarwar v. Sonia Hospitality Corp., Case No. 1:20-cv-15806-JHR-JS (case closed December 3, 2020); Sarwar v. Prudential Real Estate Mgmt. LLC, Case No. 3:20-cv-15760-MAS-DEA (Amended Complaint filed December 20, 2020; case closed January 9, 2021); Sarwar v. Shastri Narayan Inc., Case No. 1:20-cv-15724-NLH-JS (Amended Complaint filed January 6, 2021); Sarwar v. Neelkanth Enterprises LLC, Case No. 1:20-15685-JHR-JS (Amended Complaint filed December 20, 2020); Sarwar v. L.S.K., Inc., Case No. 3:20-cv-15683-AET-TJB (Amended Complaint filed December 20, 2020); Sarwar v. Abdiel Investor LLC, Case No. 1:20-cv-15681-RBK-AMD (Amended Complaint filed December 20, 2020); Sarwar v. Kartik Hospitality LLC, Case No. 2:20-cv-15680-MCA-MAH (Amended Complaint filed December 20, 2020; case closed January 7, 2021); Sarwar v. Goldstar Group Inc., Case No. 1:20-cv-14681-RBK-AMD (case closed November 30, 2020); Sarwar v. Aarav Hospitality One LLC, Case No. 1:20-cv-14677-NLH-KMW (case closed November 19, 2020); Sarwar v. Gurwicz, Case No. 1:20-cv-14675-NLH-JS (Amended Complaint filed December 20, 2020); Sarwar v. Bipin-Seth Inc.,

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Case No. 2:20-cv-12744-JMV-JBC (Amended Complaint filed January 4, 2021).

In light of the above,

**IT IS**, on this 14th day of January 2021,

**ORDERED** that the Clerk's Entry of Default be **VACATED**; and it is further

**ORDERED** that Plaintiff's Motion for Default Judgment [Docket No. 5] be **DISMISSED AS PREMATURE**; and it is further

**ORDERED** that Plaintiff shall serve its Amended Complaint on Defendant in accordance with the relevant Federal Rules of Civil Procedure; and it is further

**ORDERED** that the Clerk of Court shall file this Order in all of the cases listed above for informational purposes only.

s/Renée Marie Bumb  
RENÉE MARIE BUMB  
UNITED STATES DISTRICT JUDGE